

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-293 (DSD/SRN)

Cynthia M. Nutter and  
Angela Ford,

Plaintiffs,

v.

**ORDER**

Messerli & Kramer, P.A.,  
Brian A. Chou, Mercedes A.  
Gustafson, Northern Financial  
Systems, Inc. and Cory D. Johnson,

Defendants.

This matter is before the court upon plaintiffs' request to file a motion to reconsider a portion of the court's August 8, 2007, order granting defendants Cory Johnson ("Johnson") and Northern Financial Systems, Inc.'s ("NFS") motion to dismiss.<sup>1</sup> Pursuant to Local Rule 7.1(g), motions to reconsider are prohibited except by "express permission of the Court," which will be granted "only upon a showing of compelling circumstances." A motion to reconsider should not be employed to relitigate old issues but rather to "afford an opportunity for relief in extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993).

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<sup>1</sup> Because the court considered matters outside of the pleadings, it treated the motion as one for summary judgment pursuant to Federal Rule of Civil Procedure 12(c).

In its August 8 order, the court dismissed a Fair Debt Collection Practices Act ("FDCPA") claim against Johnson and NFS based on an affidavit Johnson submitted in a state court lawsuit. Plaintiffs argue that the court did not properly consider Johnson's affidavit and prematurely granted Johnson and NFS's motion to dismiss. Plaintiffs, however, have failed to indicate that they have new evidence or legal support that would create the "compelling circumstances" required for reconsideration. The court finds, as it did in its August 8 order, that Johnson's affidavit did not violate the FDCPA. No extraordinary circumstances have arisen between the time of the court's order and plaintiffs' request. Rather, plaintiffs seek to relitigate old issues, and the court will not do so.

Accordingly, **IT IS HEREBY ORDERED** that plaintiffs' request to file a motion to reconsider [Doc. No. 22] is denied.

Dated: September 19, 2007

s/David S. Doty  
David S. Doty, Judge  
United States District Court